
By: ~~Delegate Pendergrass~~ Delegates Pendergrass, Hurson, Hammen,
Benson, Donoghue, Goldwater, Hubbard, Mandel, Morhaim, Murray,
Nathan-Pulliam, Oaks, Rosenberg, and Rudolph

Introduced and read first time: February 13, 2004
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 31, 2004

CHAPTER _____

1 AN ACT concerning

2 **Health - Maryland Medical Assistance Program and Maryland Children's**
3 **Health Program - Reenrollment**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to
5 provide guaranteed eligibility for enrollees in managed care organizations in the
6 Medicaid program and in the Maryland Children's Health Program for a certain
7 time period under certain circumstances; requiring the Department of Health
8 and Mental Hygiene to allow certain individuals whose family income is at
9 certain levels to reenroll in managed care organizations under the Maryland
10 Children's Health Program ~~after a certain period of time~~; under certain
11 circumstances; requiring the Department of Health and Mental Hygiene to
12 notify enrollees of certain reenrollment provisions; declaring the intent of the
13 General Assembly; authorizing the Department of Health and Mental Hygiene
14 to implement a certain premium structure in the Maryland Children's Health
15 Program; requiring the Department of Health and Mental Hygiene and the
16 State Department of Education to make certain recommendations and to report
17 to certain committees of the General Assembly on or before a certain date;
18 requiring the Department of Health and Mental Hygiene to conduct a certain
19 analysis, to make certain recommendations, and to report to certain committees
20 of the General Assembly on or before a certain date; making certain provisions of
21 this Act contingent on the taking effect of another Act; and generally relating to
22 the Maryland Medical Assistance Program and the Maryland Children's Health
23 Program.

24 BY repealing and reenacting, with amendments,
25 Article - Health - General

1 Section 15-103(b)(3), 15-301.1, and 15-303
 2 Annotated Code of Maryland
 3 (2000 Replacement Volume and 2003 Supplement)

4 BY adding to
 5 Article - Health - General
 6 Section 15-103.5
 7 Annotated Code of Maryland
 8 (2000 Replacement Volume and 2003 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Health - General**

12 15-103.

13 (b) (3) Subject to the limitations of the State budget and as permitted by
 14 federal law or waiver, the program developed under paragraph (1) of this subsection
 15 and the program developed under § 15-301 of this title [may] SHALL provide
 16 guaranteed eligibility for each enrollee for up to 6 months, unless an enrollee obtains
 17 health insurance through another source.

18 15-303.

19 (a) (1) The Department shall:

20 (I) [be] BE responsible for enrolling program recipients in
 21 managed care organizations under the Maryland Children's Health Program
 22 established under §§ 15-301 and 15-301.1 of this subtitle; AND

23 (II) ALLOW AN ELIGIBLE INDIVIDUAL WHOSE FAMILY INCOME IS
 24 ABOVE 200 PERCENT BUT AT OR BELOW 300 PERCENT OF THE FEDERAL POVERTY
 25 GUIDELINES TO REENROLL IN MANAGED CARE ORGANIZATIONS UNDER THE
 26 MARYLAND CHILDREN'S HEALTH PROGRAM AFTER A 6-MONTH PERIOD WITHOUT
 27 COVERAGE, WHO HAS BEEN ENROLLED IN THE MCHP PREMIUM PLAN, TO REENROLL
 28 IN THE MCHP PREMIUM PLAN;

29 1. UPON PAYMENT IN FULL OF ANY MONTHLY PREMIUMS
 30 OWED FOR PRIOR PERIODS OF COVERAGE UNDER THE PLAN; OR

31 2. AFTER A 3-MONTH WAITING PERIOD WITHOUT ANY
 32 REQUIREMENT TO PAY IN FULL ANY MONTHLY PREMIUMS OWED FOR PRIOR
 33 PERIODS OF COVERAGE UNDER THE PLAN.

34 (2) THE DEPARTMENT SHALL NOTIFY ENROLLEES OF THE
 35 REENROLLMENT PROVISIONS DESCRIBED IN PARAGRAPH (1)(II) OF THIS
 36 SUBSECTION.

1 ~~(2)~~ (3) The Department may contract with an entity to perform any
2 part or all of its enrollment responsibilities under paragraph (1) of this subsection.

3 ~~(3)~~ (4) The Department or its enrollment contractor, to the extent
4 feasible in its marketing, outreach, and enrollment programs, shall hire individuals
5 receiving assistance under the Family Investment Program established under Article
6 88A of the Code.

7 (b) (1) To the extent allowed under federal law and regulations, the
8 Secretary shall implement expedited eligibility for any individual who applies
9 through the local health department for the Maryland Children's Health Program
10 under §§ 15-301 and 15-301.1 of this subtitle, including any individual with
11 associated food stamp, cash assistance, or medical assistance cases.

12 (2) The Secretary shall designate organizations that may:

13 (i) Assist individuals in the application process; and

14 (ii) Perform other outreach functions.

15 (3) In designating the organizations under paragraph (2) of this
16 subsection, the Secretary shall ensure the inclusion of statewide and local
17 organizations that provide services to children of all ages in each region of the State,
18 and shall provide such organizations with:

19 (i) Forms that are necessary for parents, guardians, and other
20 individuals to submit applications to the Maryland Children's Health Program on
21 behalf of a child; and

22 (ii) Information on how to assist parents, guardians, and other
23 individuals in completing and filing such applications.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

26 **Article - Health - General**

27 15-103.5.

28 IT IS THE INTENT OF THE GENERAL ASSEMBLY, THAT:

29 (1) ANY FEDERAL REVENUE RECEIVED BY THE STATE AS A RESULT OF
30 AN INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGES:

31 (I) WILL REMAIN WITHIN THE PROGRAM; AND

32 (II) BE USED TO EXPAND PROGRAM SERVICES; AND

1 (2) THE STATE SHALL NOT SUPPLANT STATE DOLLARS WITH ANY
2 FEDERAL REVENUE RECEIVED AS A RESULT OF AN INCREASE IN THE FEDERAL
3 MEDICAL ASSISTANCE PERCENTAGES.

4 15-301.1.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) "Eligible individual" means an individual who qualifies to participate
7 in the Maryland Children's Health Program under § 15-301(b) of this subtitle.

8 (3) "Family contribution" means the portion of the premium cost paid for
9 an eligible individual to enroll and participate in the Maryland Children's Health
10 Program.

11 (4) "MCHP premium plan" means the plan established under this
12 section to provide access to health insurance coverage to eligible individuals through
13 managed care organizations under the Maryland Children's Health Program.

14 (b) Except as provided in subsection (c) of this section, this section applies only
15 to individuals whose family income is above 200 percent, but at or below 300 percent
16 of the federal poverty guidelines.

17 (c) [(1)] As a requirement of enrollment and participation in the MCHP
18 premium plan, the parent or guardian of an eligible individual shall [agree to] pay
19 [the following] AN annual family contribution THAT DOES NOT EXCEED 2 PERCENT
20 OF THE ANNUAL FAMILY INCOME[:].

21 (D) THE DEPARTMENT MAY IMPLEMENT A TIERED PREMIUM STRUCTURE
22 BASED ON FAMILY INCOME AND FAMILY SIZE.

23 (E) (1) UNTIL THE DEPARTMENT ESTABLISHES A TIERED PREMIUM
24 STRUCTURE BY REGULATION, THE PARENT OR GUARDIAN OF AN ELIGIBLE
25 INDIVIDUAL SHALL PAY THE FOLLOWING ANNUAL FAMILY CONTRIBUTION:

26 (i) In fiscal year 2004 only, for an eligible individual whose family
27 income is above 185 percent, but at or below 200 percent of the federal poverty
28 guidelines, an amount equal to 2 percent of the annual income of a family of two at
29 185 percent of the federal poverty guidelines;

30 (ii) For an eligible individual whose family income is above 200
31 percent, but at or below 250 percent of the federal poverty guidelines, an amount
32 equal to 2 percent of the annual income of a family of two at 200 percent of the federal
33 poverty guidelines; and

34 (iii) For an eligible individual whose family income is above 250
35 percent, but at or below 300 percent of the federal poverty guidelines, an amount
36 equal to 2 percent of the annual income of a family of two at 250 percent of the federal
37 poverty guidelines.

1 (2) The family contribution amounts required under paragraph (1) of
2 this subsection apply on a per family basis [regardless of the number of eligible
3 individuals each family has enrolled in the MCHP premium plan].

4 [(d)] (F) The Department shall adopt regulations necessary to implement this
5 section.

6 SECTION 3. AND BE IT FURTHER ENACTED, That:

7 (a) The Department of Health and Mental Hygiene and the State Department
8 of Education shall make recommendations on an outreach program to identify eligible
9 individuals for the Maryland Children's Health Program;

10 (b) In identifying potential outreach programs, the departments shall:

11 (1) consider the creation of an outreach program similar to the model
12 utilizing the school lunch program identified in H.B. 1024 of the Acts of the General
13 Assembly of 2004;

14 (2) examine current outreach programs utilized by local boards of
15 education; and

16 (3) examine outreach programs utilized in other states and jurisdictions;
17 and

18 (c) On or before September 1, 2004, in order to have the program considered
19 for funding in the fiscal year 2006 budget, the Departments shall report their findings
20 and recommendations, in accordance with § 2-1246 of the State Government Article,
21 to the House Health and Government Operations Committee and the Senate Finance
22 Committee.

23 SECTION 4. AND BE IT FURTHER ENACTED, That:

24 (a) The Department of Health and Mental Hygiene shall conduct an analysis
25 of the current regulations related to hardship waivers for the payment of premiums in
26 the Maryland Children's Health Program and make recommendations for increasing
27 an enrollee's awareness of the availability of a hardship waiver;

28 (b) The analysis required under subsection (a) shall consider:

29 (1) expanding the time period for the hardship waiver; and

30 (2) redefining the criteria to qualify for a hardship waiver;

31 (c) The Department shall track the number of hardship waivers granted in
32 the Maryland Children's Health Program; and

33 (d) On or before December 30, 2004, the Department shall report its findings
34 and recommendations, in accordance with § 2-1246 of the State Government Article,
35 to the House Health and Government Operations Committee and the Senate Finance
36 Committee.

1 SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
2 take effect July 1, 2005, contingent on the taking effect of Chapter _____ (S.B.
3 715/H.B. 1271) of the Acts of the General Assembly of 2004, and if Chapter _____ does
4 not become effective, Section 1 of this Act shall be null and void without the necessity
5 of further action by the General Assembly.

6 ~~SECTION 6.~~ AND BE IT FURTHER ENACTED, That, except as provided
7 in Section 5 of this Act, this Act shall take effect July 1, 2004.